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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,400	11/21/2003	Charles Christopher Thorpe	3000177 / 703454-2001	2557

7590 10/08/2004

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EXAMINER


VAN, QUANG T

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/719,400	Applicant(s) THORPE ET AL. 	
	Examiner Quang T Van	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/21/03</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

1. The drawings are objected to because the reference number "111" shown in Fig. 5B has a typo error and should be changed to "112".
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "steam 202" recited in specification, page 6, lines 8 and 21 is not shown in drawings. It is suggest to change "steam 202" to "steam 205", which is shown in Fig.2A. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to because of the following informalities: "the upper housing section **111**" and lower housing section **112**" recited on page 8, line 1, line 18 and line 23 have a typo error and should be changed to "the upper housing section **112**"

and "lower housing section **111**" for consistency throughout the specification and with the drawings. Correction is required.

4. The specification is objected to because of the following informalities: "additives **225**" recited on page 13 has a typo error and should be changed to "additives **220**".
Correction is required.

Claim Objections

5. Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In this case, claim 5 is depended to itself.

NOTE: For purpose of examination, it is presumed claim 5 is depended to independent claim 1.

6. Claim 30 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In this case, the term "said ingredient comprising a gelatinous ingredient:" recited in lines 1-2, is not further limit the "gelatinous ingredient" which is already claimed in a previous claim 1.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 39-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 39, "said vent," recited in line 15 is indefinite because it lacks antecedent basis in the claim. Correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-2, 5-6, 14-15, 18-19, 23, 27-31, 39-42, 45, 47, 49-50, 53, 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Housley (US 5,988,045). Housley discloses, figure 1, a utensil supporting multiple cooking environments for preparing foods comprising a microwaveable housing (10) having a lower housing section (12) and an upper housing section (40); a support member (22a, 22b, 22c) in said lower housing section (12); a grill surface (32) for supporting the food item thereon, said grill surface (32) defining a plurality of apertures (36) and being placed on said support member (22a, 22b, 22c); and gelatinous ingredient (col. 5, lines 60-65); said gelatinous ingredient being located in said lower housing section (12) and below said

grill surface (32) so that steam from heating said gelatinous ingredient is applied to the food item through the apertures of said grill surface (col. 6, lines 50-65).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3, 20-22, 43-44, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Housley (US 5,988,045) in view of Koochaki (US 6,229,131).

Housley discloses substantially all features of the claimed invention except a housing including a vent. Koochaki discloses a microwave-cooking grill (100) having a housing including a vent (186). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Housley a housing including a vent as taught by Koochaki in order to release the steam from the cooking housing.

13. Claims 4, 24-26, 46, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Housley (US 5,988,045) in view of Levinson (US 4,923,704).

Housley discloses substantially all features of the claimed invention except said grill surface being coated with a metalized susceptor material. Levinson discloses a grill surface being coated with a metalized susceptor material (col. 4, lines 4-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Housley a grill surface being coated with a metalized susceptor

material as taught by Levinson in order to absorb the microwave energy and also delivery the microwave energy to the cooking food.

14. Claims 16-17, 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Housley (US 5,988,045) in view of Barnes (US 6,608,292). Housley discloses substantially all features of the claimed invention except a connector that couples said lower and upper microwave housing sections. Barnes discloses a connector (212) that couples said lower (104) and upper microwave housing sections (102). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Housley a connector that couples said lower and upper microwave housing sections as taught by Barnes in order to connect the upper and the lower housing section together.

15. Claims 7-13, 32-38 and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Housley (US 5,988,045) in view of Choy et al (GB 2308465A). Housley discloses substantially all features of the claimed invention except the flavoring comprising a charcoal flavoring. Choy discloses the flavoring comprising a charcoal flavoring (page 1, lines 7-12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Housley the flavoring comprising a charcoal flavoring as taught by Choy in order to suit the user taste. With regard to a beef flavoring, a lemon flavoring, and the ingredient including an aroma, a coloring for the food item; it would have been obvious to one having ordinary skill in the art to apply different flavoring ingredients to the cooking items. Doing so would please to each person taste.

16. Claim 3, 20-22, 43-44, 48, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Housley (US 5,988,045) in view of Craft (US 6,018,157). Housley discloses substantially all features of the claimed invention except a housing including vent. Craft discloses a housing (14) including vent (18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Housley a housing including a vent as taught by Craft in order to release the steam from the cooking housing.

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Boutte (US 6,467,399) discloses a meat and poultry roaster. Gremillion (US 6,192,792) discloses an apparatus for cooking reduced fat poultry or meat.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV
October 4, 2004



Quang T Van
Primary Examiner
Art Unit 3742